

**As a below named inventor, I hereby declare that:**

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

the specification of which

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above.

I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

<u>Prior Foreign Application(s)</u>			<u>Priority Claimed</u>	
<u>(Number)</u>	<u>(Country)</u>	<u>(Day/Month/Year Filed)</u>	<u>Yes</u>	<u>No</u>
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<u>(Number)</u>	<u>(Country)</u>	<u>(Day/Month/Year Filed)</u>	<u>Yes</u>	<u>No</u>
<u>(Number)</u>	<u>(Country)</u>	<u>(Day/Month/Year Filed)</u>	<u>Yes</u>	<u>No</u>



Full Name of Third/Joint Inventor Gabriel Quan

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Toronto, Ontario Canada Citizenship Canada  
(City, State) (Country)

Post Office Address 11 Denvale Road  
Toronto, Ontario Canada M4B 3B3

Full Name of Fourth/Joint Inventor Terry P. Borer

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Toronto, Ontario Canada Citizenship Canada  
(City, State) (Country)

Post Office Address 5 Sanfield Road  
Toronto, Ontario Canada M3B 2B5

Full Name of Fifth/Joint Inventor Ian Chesal

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Toronto, Ontario Canada Citizenship Canada  
(City, State) (Country)

Post Office Address 304-191 St. George Street  
Toronto, Ontario Canada M5R 2M6

Full Name of Sixth/Joint Inventor Valavan Manohararajah

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Scarborough, Ontario Canada Citizenship Canada  
(City, State) (Country)

Post Office Address 68 Corporate Drive #1838  
Scarborough, Ontario Canada M1H 3H3

Full Name of Seventh/Joint Inventor Paul McHardy

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Toronto, Ontario Canada Citizenship Canada  
(City, State) (Country)

Post Office Address TH10-70 Pleasant Blvd.  
Toronto, Ontario Canada M4T 1J8

Full Name of Eighth/Joint Inventor Ivan Hamer

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Toronto, Ontario Canada Citizenship Canada  
(City, State) (Country)

Post Office Address #411-889 Bat Street  
Toronto, Ontario Canada M5S 3K5

Full Name of Ninth/Joint Inventor Stephen D. Brown

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Toronto, Ontario Canada Citizenship Canada  
(City, State) (Country)

Post Office Address 12 Domino Avenue  
Toronto, Ontario Canada M4N 2W5

Title 37, Code of Federal Regulations, Section 1.56  
Duty to Disclose Information Material to Patentability

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
  - (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
  - (2) It refutes, or is inconsistent with, a position the applicant takes in:
    - (i) Opposing an argument of unpatentability relied on by the Office, or
    - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
- (1) Each inventor named in the application;
  - (2) Each attorney or agent who prepares or prosecutes the application; and
  - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.